

The New Jersey Committee of Safety

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"Thou shalt not remove thy neighbor's landmark..." Deut. 19:14

So *says* the Bible. But you needn't be religious to see that "removing thy neighbor's landmark" is theft, the taking of property without the owner's consent. Without private property there can be no liberty or pursuit of happiness. Without it you must answer to others, you are no longer free.

Many New Jerseyans have discovered this truth the hard way.

Bob Mongdock bought property in Burlington County in 1985 to build a house to raise his family in. With the approval and direction of local officials he began to improve it by including ditching leading to a pond to control flooding in a low-lying area. The N.J. Department of Environmental Protection denied him a permit, calling it a "Project of Special Concern", and threatened him (despite the 8th Amendment's prohibition against excessive fines) with fines totaling \$5500 per day. It ordered him to restore the property to its original condition, a directive the Appellate Division found to be "unduly punitive and out of proportion" to Mongdock's alleged culpability. (DEP admits he hasn't harmed the environment.) Now, after "11 years of Hell", the DEP demands that he "donate" \$12,180 to the "Wetlands Mitigation Fund". --Having received no help from Republicans and Democrats he is running for State Senate as a Libertarian in the 30th District. (Supporting documents can be found at <http://www.senatorbob.com>).

Barry Horner, a farmer from Ocean County, made several repairs to his dam starting in 1985. When the Pinelands Commission found out that he had no permit to do so they ordered him to tear it down. He refused because it pre-existed the regulation. The PLC then reportedly instigated a program of eco-harassment that included airplane and helicopter overflights, trespassing, negative press releases, threatening letters from state and federal officials and a raid that included armed State Police. After six years he was issued a summons for broken concrete allegedly placed in state waters. In 1993 the state sued but the judge ruled against the PLC on all charges, and DEP except for one minor item. The judge ordered the state, in effect, to issue him a permit for the repaired dam. The deputy attorney general agreed (but never did) and shortly thereafter the PLC brought in the feds. The Army Corps of Engineers sent Horner a letter ordering him to "perform initial corrective measures, including dewatering the lake", and threatening him with fines of \$50,000 per day per violation. His \$50,000 legal bills forced his sons to drop out of college.

Roy Wimmer of Hunterdon County owns a residential lot appraised at about \$75,000. There is no water on the property; but a soil test detected a slight seepage at 30". "Wetlands," said the DEP. In order to receive a hardship waiver the DEP requires landowners caught in the wetlands web to offer to sell the property to certain conservation groups, including the super-rich Nature Conservancy (\$1.1 billion in assets; \$882 million annual income). In Wimmer's case the N.J. Conservation Foundation, which has \$19 million in assets and an annual income of \$3.8 million, offered him \$15,000 based on the fact that without a waiver the land can't be sold or built upon. Wimmer refused the offer, so the DEP denied the waiver on the Orwellian grounds that there is no hardship

because a conservation group offered to buy the property. Having spent more than \$15,000 on legal and testing fees, he now faces the choice of paying taxes on the land or selling it at an 80% loss.

These are just a few examples of the DEP and PLC's arbitrary, coercive, shameful and unlawful practices. Other abuses include exorbitant fees (\$150 application to build a fence), lengthy permit process (11 years to build a house), outright denial of the use of property and usurpation of local government authority (the PLC's prohibition against using second stories despite township approval). Counties and school districts have also suffered. The Cape May landfill and Indian Mills school cost millions more than necessary. In Tabernacle the PLC has denied the Boy Scouts the use of their property as a day camp. Towns are dying because commercial lot sizes are smaller than those permitted by the PLC. People are afraid to speak out; government employees abused by the PLC have been flatly told to keep quiet, with an implied threat that their livelihood may be affected.

All this was meant not to be.

"...Nor shall private property be taken for public use without just compensation." (U.S. Constitution, 5th Amendment)—"Private property shall not be taken for public use without just compensation..." (N.J. Constitution, Art. 1, Para. 20) The U.S. Supreme Court, however, seems to be following Justice Holmes' 1922 remark that "government could hardly go on" if it had to pay for everything and that "if regulation goes too far it will be recognized as a taking [for which compensation must be paid]." (*Pennsylvania Coal v. Mahon*) In 1992 the court ruled that compensation should be paid if a landowner loses 100% of the value of the property (*Lucas v. S.C. Coastal Commission*). Thus conservation groups apparently feel safe, as in Wimmer's case, in offering victims 20% of a property's value. A cynic might remark that at least one of the Pinelands Commissioners, who is also a board member of the wealthy N.J. Conservation Fund, will not likely lead the charge to correct that practice.

Because of the power of the environmental movement the legislature also is unwilling to stop the thievery known as "taking". Sen. John Scott's N.J. Property Rights Protection bill died in committee. Thus at this time neither the judiciary, the legislature nor the executive (DEP and PLC) are willing to stop taking. In addition the United Nations under the Wildlands project is attempting another land control scheme, which is under way to return at least 50% of America to wilderness. (The Chinese have implemented a similar program in which parts of Tibet have been de-populated to provide habitat for the Giant Panda.) In the covetous eyes of the UN, which has designated the Pinelands an International Biosphere Reserve, it and the Wildlands project are meant for each other. Perhaps the Pinelands Commissioners agree; in May of this year they hosted a Chinese delegation.

Committees of Safety were formed in this country in 1774 in response to Parliament's Coercive Acts, which were intended to punish America. We have come together to form the New Jersey Committee of Safety in order to call to the attention of our fellow citizens the peril in which we find ourselves today. Join us in our endeavor to restore our lost rights!

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